

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAILWORKS TRANSIT, INC.,

Plaintiff,

- against -

Civil Action No. 08 CV 7142

BUILDING, CONCRETE, EXCAVATING &
COMMON LABORERS UNION LOCAL NO. 731
OF GREATER NEW YORK, LONG ISLAND AND
VICINITY OF THE LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO,

VOLUNTARY DISMISSAL
PURSUANT TO F.R. CIV. P.
41(a)(1)(A)(i)

Defendant.

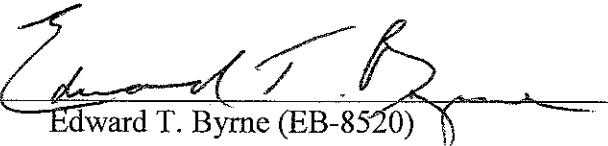
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The Plaintiff, RailWorks Transit, Inc. by its undersigned attorneys, hereby gives notice in accordance with Fed. R. Civ. P. 41(a)(1)(A)(i) of the voluntary dismissal of the above entitled action without order of the court. With respect thereto, the Plaintiff states that no answer or motion for summary judgment has been received by counsel for the Plaintiff. Such dismissal is without prejudice and is not on the merits. There has been no prior dismissal in any court of the United States or of any state of an action based on or including the same claim as presented by the Plaintiff in its complaint herein.

Dated: Rockville Centre, New York
August 18, 2008

MURTAGH, COHEN & BYRNE
100 North Park Avenue
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Attorneys for Plaintiff,
RailWorks Transit, Inc.

By:


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